

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

A.L.B., Individually, and as Parent)	CIV. NO. 07-00168 HG-BMK
of student, a minor,)	
)	
Plaintiff,)	FINDING & RECOMMENDATION
)	THAT CASE BE DISMISSED
)	
vs.)	
)	
PATRICIA HAMAMOTO; in her)	
official capacity as Superintendent of)	
the Hawaii Public Schools;)	
DEPARTMENT OF EDUCATION;)	
and STATE OF HAWAII,)	
)	
Defendants.)	
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FINDING & RECOMMENDATION THAT CASE BE DISMISSED

On March 27, 2007, Plaintiff filed a complaint against Defendants through her attorney, Eric Krening. Plaintiff has not yet served any of the Defendants. Moreover, Plaintiff's attorney has advised the Court that he is no longer licensed to practice law in this jurisdiction. The Court continued the Rule 16 scheduling conference to August 30, 2007, and ordered that any new counsel in the case enter a formal appearance on or before August 30 at 9 a.m., and that the Court would recommend dismissal for failure to make such appearance.

No new counsel entered a formal appearance in this case at the Rule 16 scheduling conference held on August 30. Attorney Keith Peck appeared only to advise the Court that although Mr. Krening had asked him to represent Plaintiff, he would not be able to undertake such representation.

Accordingly, the Court ordered Plaintiff to appear before this Court on September 28, 2007, to show good cause, if any, why this case should not be dismissed (1) for her failure to serve any defendants within the 120 days allowed by Rule 4(m) of the Federal Rules of Civil Procedure, and (2) for her failure to prosecute this case by either naming new counsel or indicating to the Court that she will represent herself *pro se* in this matter.

Plaintiff failed to appear as ordered on September 28, 2007.

Therefore, the Court FINDS and RECOMMENDS that this case be DISMISSED for Plaintiff's failure to serve any defendants, her failure to prosecute this case, and her failure to comply with the orders of this Court.

IT IS SO FOUND AND RECOMMENDED.



/s/ Barry M. Kurren
United States Magistrate Judge
Dated: October 3, 2007

A.L.B. v. Hamamoto; Civ. No. 07-00168 HG-BMK; FINDING &
RECOMMENDATION THAT CASE BE DISMISSED.